

In The Matter Of:
In Re: State Attorney Investigation

Melissa Personius
May 23, 2013

Kanabay Court Reporters
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St. Petersburg

1
2 IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
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4
5 IN RE:
6 STATE ATTORNEY INVESTIGATION
7
8 STATEMENT OF: MELISSA PERSONIUS.
9 DATE: May 23, 2013, 1:22 p.m.
10 PLACE: Hillsborough County Courthouse
Tampa, Florida.
11 REPORTED BY: Donna M. Kanabay RMR, CRR, FPR,
Notary Public,
State of Florida at large.
12
13 APPEARANCES: MR. BRUCE BARTLETT and
MR. WILLIAM LOUGHERY
Assistant State Attorneys
Attorneys for State of Florida.
14
15
16 ALSO PRESENT:
17 Investigator Rick Hart
18
19
20
21
22
23
24
25

1 A Yes.
2 Q Now, as a legal assistant, is that -- for lack of
3 a better word, is that a paralegal?
4 A Yeah.
5 Q Do you have to have a degree to do that, or is it
6 just a matter of experience and working in law offices?
7 A It's different depending on the firm you work for.
8 Some firms consider a paralegal --
9 I was previously a paralegal at my old firm.
10 Q Okay.
11 A I'm not a certified paralegal.
12 Q Got you.
13 Okay. Now, I'll say some things, and you can just
14 correct me if I'm wrong about it.
15 But there was this lawsuit between Bubba and MJ,
16 right? That, we know about. And I think that was about
17 five years; had been around for about five years? Does that
18 sound about right?
19 And I'm not trying to stick --
20 A Yeah. I just --
21 Q If you --
22 A I just don't --
23 Yeah. I believe so.
24 Q I mean, it had been around for a while --
25 A Had. Yes.

1 (The witness was sworn)
2 MELISSA PERSONIUS,
3 the witness herein, being first duly sworn, was examined
4 and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. LOUGHERY:
7 Q Please state your name.
8 A Melissa Personius.
9 Q What's your date of birth?
10 A June 29th, 1982.
11 Q And what's your -- what do you currently do? How
12 are you employed?
13 A I am a legal assistant for Adams & Diaco.
14 Q And how long have you been employed in that -- by
15 Adams & Diaco?
16 A Approximately five years.
17 Q And have you been a legal assistant for them that
18 whole time?
19 A Yes.
20 Q Can you just give me an idea -- is there a
21 particular lawyer you're assigned to or do you just work for
22 the firm, or how does that work?
23 A Yes. I primarily work for Robert Adams.
24 Q Okay. And has that been for that five-year
25 period?

1 Q -- type situation.
2 And on January 23rd of this year, the day this --
3 basically, all this stuff happened, that would have been
4 maybe the second week of trial or something like that?
5 A I think so.
6 Q The third. I get lost sometimes.
7 All right. Now, did you have any duties, legal
8 duties or work duties with that case?
9 A Not at that time, no.
10 Q Okay. And it's my understanding that Rob Adams
11 really wasn't one of the lawyers involved in the trial.
12 A No.
13 Q Is that correct?
14 A That's correct.
15 Q Okay. And the lawyers in the trial, I guess, were
16 Jay Diaco, and Brian Motroni, I guess, did some work with
17 that.
18 Who else was in there, do you remember?
19 A I'm not sure.
20 Q Okay. Was Stephen Diaco part of that trial? I
21 mean, sitting behind the desk or just --
22 A I'm not sure.
23 Q Okay. You never went to the court. You never had
24 any --
25 A No.

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1 O -- dealings with that I'm just going to assume,
2 because Rob Adams wasn't involved in that case, that would
3 mean that you really weren't either.
4 A Right.
5 Q Just a second ago you said at some point you did
6 get some involvement in that case?
7 A From the best of my recollection, a few years ago,
8 at one point I was briefly working for Jay Diaco --
9 Q Mm-hmm.
10 A -- and so I -- and you know, I'm positive that I
11 would have loughed the case.
12 O Yeah.
13 A Maybe scheduled something, maybe requested
14 something. So to that extent, you know.
15 Q Mm-hmm.
16 A Yes. It's been multiple years since I've had to
17 do that.
18 O Okay. Well, let's talk about January 23rd and
19 Phil Campbell.
20 Tell me about your day and how you first got
21 involved in what turned out to be an arrest of Mr. Campbell.
22 A Beginning where?
23 Q Whenever, I guess, beginning --
24 Well, let me ask you this: Before January 23rd of
25 2013, were you aware of Phil Campbell?

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1 A Yes.
2 Q And how were you aware of Mr. Campbell?
3 A Well, aware as in -- I mean --
4 O Do you know who he was --
5 A I knew --
6 O -- what he was doing?
7 A I knew that he was one of the opposing counsels in
8 that case. I had never seen him or spoke to him.
9 Q Okay. So you wouldn't even -- if you were to see
10 him, you wouldn't recognize him.
11 A Yes. I mean, I would have, you know, recognized
12 him if I saw him, you know, within a certain distance. Not
13 from across the room or --
14 Q Okay.
15 A -- you know.
16 Q And is that because of seeing him at the office or
17 seeing, maybe, him on TV or something?
18 A Maybe a little of both.
19 Q Okay. All right. So on this particular day, on
20 January 23rd --
21 Well, let me ask you this: Were you asked to be
22 involved in any kind of situations where you would have
23 contact with Phil Campbell prior to January 23rd?
24 A No.
25 Q Okay. Let's talk about January 23rd.

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1 What, if anything, occurred that day? Obviously,
2 I want to find out is about how you came in contact with him
3 and that kind of thing, and if anybody talked to you about
4 doing anything in particular. So why don't you just tell me
5 where -- how it started.
6 A I'm not sure where to start.
7 I mean, I was at Malio's on January 23rd with a
8 friend, and we were just having a glass of wine. It was a
9 normal day. And we were -- when we came in, the downstairs
10 bar was packed, so we sat at a table above the bar.
11 O Okay. And when would that have been,
12 approximately, if you remember?
13 A It was somewhere between 5 and 6 p.m.
14 Q Okay. Okay. So between -- before 5:00, what was
15 your decision, or why did you decide to go to Malio's?
16 A To be very honest, I didn't want to go to just one
17 of the normal bars around.
18 O Right.
19 A I wanted to be around more professional, you know,
20 people, men. I didn't want to just go to a junky bar down
21 the street. I felt like I wanted to be around, you know, a
22 better crowd.
23 Q Okay.
24 A Somewhere nicer I just felt like being somewhere
25 nicer than the other bars in downtown.

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1 Q Okay. Had you ever been to Malio's before?
2 A Yeah. Yes.
3 O Approximately how many times?
4 A I mean --
5 O Again, I'm not trying to stick you on specifics.
6 A Yeah. I know.
7 O I just want to get a general idea.
8 A Anywhere between five and 10 times.
9 Q Okay. And I'm talking about the Malio's at that
10 location in the Sykes Building --
11 A Yes.
12 O -- all right?
13 A That's the only one I'm aware of.
14 O Okay. So you said you went with a friend.
15 Who did you go with?
16 A Vanessa Fykes.
17 Q And how do you know Vanessa?
18 A She used to previously work for Adams & Diaco.
19 Q Okay. While you were working there as well?
20 A Yes. She started after I did.
21 Q Okay. Did you become friends or --
22 A Yeah.
23 Q -- acquaintances while at work?
24 A We did. And we continued to remain friends after
25 she left.

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1 Q Okay. And is this -- would you see -- let me
2 rephrase that.
3 Would you talk to her on a daily basis?
4 A Not daily.
5 Q Okay. How would you describe --
6 A I mean, at some point, but no, it wasn't daily.
7 But we kept in constant contact. We met up for happy hours
8 and got together and caught up with our lives and --
9 Q So you two going out for a happy hour would not be
10 uncommon.
11 A No. Not at all.
12 Q And on this particular day, on January 23rd, how
13 was it that you got together to go to Mallo's?
14 A We had been wanting to go out, and we just
15 e-mailed each other. We were going back and forth, "What
16 about happy hour? Let's go do happy hour."
17 Q Okay. Was it your decision to go to Mallo's or
18 her?
19 A Mine. I mean, I didn't have to force her, but --
20 Q I understand.
21 A But mine.
22 Q It was your suggestion.
23 A It was my suggestion. Yes, it was.
24 Q You said you were there sometime between -- I'm
25 not trying to trick you -- 5 and 6 or 5:30 and 6?

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1 A Sometime between 5 and 6.
2 Q How did you get there?
3 A I drove.
4 Q And how did Vanessa get there?
5 A She drove.
6 Q A separate car I assume, right?
7 A Yes.
8 Q And where did you park when you got there?
9 A In the parking garage.
10 Q Okay. Both of you?
11 A Yes.
12 Q So I take it you both went into Mallo's together,
13 and you said it was kind of crowded, so you sat at the
14 upstairs bar -- or upstairs dining area.
15 A Right.
16 Q Now, I've been in there just once. But when you
17 walk in, there's a bar on your left and there's dining on
18 your right.
19 A Mm-hmm.
20 Q And then there's the upper level that goes all the
21 way through in the back, is that right?
22 A Right, yes.
23 Q Now, where you were seated at that time, would
24 that have been the upper area on the bar side or the upper
25 area on the dining side? You follow what I'm saying?

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1 A Yes.
2 When we walked in, you know, obviously, typically
3 you go straight to the bar area. It's first come, first
4 serve.
5 Q Right.
6 A And the hostess said, you know, "I don't think
7 there's any chairs. You can walk around and look." And we
8 obviously see there was no room.
9 Q Mm-hmm.
10 A So she took us to the right and then up the
11 stairs, and then -- so we were on the bar side.
12 Q Okay.
13 A But we were sitting -- there's two sides
14 upstairs --
15 Q Okay.
16 A -- one closest to the bar ledge, and then one to
17 the window, the tables by the windows.
18 Q Right.
19 A And we were at the table by a window, by a window,
20 looking out.
21 Q From that position, were you able to see the bar?
22 A No. Not really. I mean, I would have to sit up
23 and look over tables.
24 Q Because you had to --
25 A Yeah. Yeah.

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1 Q Okay. So you go there with Vanessa.
2 What do you do when you get there, after you've
3 been seated?
4 A We order a glass of wine --
5 Q Okay.
6 A -- and they bring us over some bread, and we just
7 start chit-chatting, talking.
8 Q How many glasses of wine did you have there at
9 that time?
10 A Two.
11 Q Same with Vanessa, or do you know?
12 A I don't remember.
13 Q Okay. How did you pay?
14 A With my debit card.
15 Q Did you order anything to eat or just the
16 beverages?
17 A No. It was just the beverages.
18 Q Okay. All right. So how long do you think you
19 were there?
20 A Anywhere from 30 minutes to an hour.
21 Q All right. So what time, approximately, do you
22 think it was when you left? Again, I'm not trying to stick
23 you. Just a general idea.
24 A Sometime between probably -- I mean, I think it
25 was about 6:30 --

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1 Q Okay.
2 A --ish, maybe a little after.
3 Q All right. And are you up in that -- seated there
4 the whole time you're there? Do you ever move or go any
5 other locations --
6 A No.
7 Q -- at Malio's?
8 A We were upstairs the entire time.
9 Q And you leave Malio's then, is that right?
10 A Mm-hmm.
11 Q And where do you go at that point?
12 A To Fly Bar.
13 Q Both you and Vanessa drive cars to the Fly Bar?
14 A Yes.
15 Q And what happens when you get to the Fly Bar?
16 Let me rephrase that. Let me ask you this:
17 Was there any particular reason why you're going
18 to Fly Bar? You're going to meet somebody --
19 A No.
20 Q -- a place you oftentimes go, or what was the
21 situation there?
22 A Just a place we go often, and normally have a nice
23 crowd.
24 Q Okay. And not being familiar with the bar scene
25 in Tampa, is the Fly Bar, to use your words, more of a junky

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1 bar than Malio's --
2 A No, it's not.
3 Q -- or is it the same -- I don't know. I'm just
4 saying.
5 A I can't tell you about all the bars in Tampa.
6 Q I didn't mean it like that.
7 A No.
8 Q I'm just saying you said part of the reason you
9 went to Malio's earlier was because you kind of wanted to --
10 A It kind of attracts more --
11 Q Professional crowd.
12 A -- of a professional crowd. It does. And Fly Bar
13 has more of a casual feel.
14 Q Got you. All right.
15 Okay. So what do you do when you and Vanessa get
16 to the Fly Bar?
17 A We order a glass of champagne.
18 Q Okay.
19 A Or not champagne. Chardonnay. Sorry.
20 Q Okay.
21 A And sit outside.
22 Q All right. Now, before you left Malio's, did you
23 see Phil Campbell in Malio's?
24 A Yes.
25 Q Okay. Tell us about that.

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1 A When we left, we walked down the stairs on the bar
2 side.
3 Q Mm-hmm.
4 A And so at that point I was walking through the
5 crowd in the bar --
6 Q Mm-hmm.
7 A -- and could recognize that Phil Campbell was
8 sitting at the bar.
9 Q Okay. Do you know Jonathan Ellis?
10 A No. Not before that day.
11 Q Okay. Do you know who he is now, if I refer to
12 him?
13 A I do now, yes.
14 Q Was he there at that time?
15 A I don't -- I don't recall.
16 Q All right. May have been, maybe not. You don't
17 know.
18 A Right.
19 Q And did you talk to Mr. Campbell at that time at
20 all?
21 A No, I didn't.
22 Q So you just saw he was there, walked by.
23 A Right.
24 Q Do you remember where at the bar he was sitting?
25 And by that I don't mean on a stool with anybody. Would it

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1 be close to the entrance -- it's kind of a semi-circle, I
2 think -- or would it be near the end of the bar --
3 A I don't recall.
4 Q -- or you don't remember.
5 Okay. Was the bar still crowded at that time?
6 A Yes.
7 Q And what was he doing, if you recall?
8 A I don't recall.
9 Q Just sitting at the bar.
10 A Sitting at the bar. I could see there was a drink
11 in front of him, and he was sitting at the bar.
12 Q All right. Okay. So when you leave and go to the
13 Fly Bar, did you communicate with anybody that you had seen
14 Phil Campbell at Malio's?
15 A Yes.
16 Q Okay. Tell me about that. Who and what did you
17 say?
18 A As I was walking out of Malio's, I noticed that
19 Phil Campbell was at the bar. I contacted, from the best of
20 my recollection, Rob Adams, and told him, you know -- I
21 don't recall exactly the words, but basically that I'm at
22 Malio's and Phil Campbell was at the bar.
23 Q Mm-hmm.
24 A Because it was pretty shocking.
25 Q Why is that shocking?

1 A Because he was in the middle of a big trial, and
2 he had already a previous DUI, and it was a very
3 high-profile case. So I couldn't believe he would be
4 drinking at a bar --
5 Q Okay.
6 A -- the night of trial. Just not the type of
7 attorneys that I'm used to seeing.
8 Q Okay. You said you knew that -- by then you
9 already knew that he had had a prior DUI. How did you know
10 about that?
11 A It was in the news.
12 Q Had there been any talk at Adams & Diaco about
13 Campbell and his drinking and having a DUI or anything along
14 those lines, anybody commenting on, you know, his propensity
15 to drink or whatever?
16 A Not that I can recall.
17 Q Okay. So your seeing Phil Campbell at the bar and
18 knowing he had a prior DUI, you were shocked enough that you
19 called Rob Adams to say that Campbell was drinking at the
20 bar.
21 A Texted him. Yes.
22 Q You texted him. I meant to ask you that.
23 Okay. All right. And did he have any response to
24 that text?
25 A To the best of my recollection, yes.

1 Q What was that?
2 A But I don't remember specific -- specifically what
3 he said. Just basically, you know, if I was sure it was
4 him, and if -- you know, I saw any other information or any
5 other useful information. That's it. Just basically, "Was
6 he drinking," or, "Are you sure?" And I was like -- I mean,
7 it was him.
8 Q Okay.
9 A But I don't remember a specific conversation.
10 Q Okay. Now, would you -- when these texts were
11 occurring, this would be after you left the bar, or were you
12 still in the bar?
13 A After I left Malio's?
14 Q Yes.
15 A Yes.
16 Q Okay. So would these -- that communication
17 between you and Rob Adams be occurring, like, while you're
18 driving to the Fly or in the parking lot or --
19 A Sometime between that time.
20 Q Okay. Now, while you were at --
21 Well, before I get to that, did you have more than
22 one exchange with Rob Adams at that time about Mr. Campbell
23 being in Malio's?
24 A I couldn't say for certain. I mean, more than
25 one, yes. It was a text and a response. So, yes.

1 Q Okay. We'll call that two then.
2 A Right.
3 Q Did you have more than two that you can recall?
4 A Regarding --
5 Q About -- well, I mean, I wasn't the one making
6 texts, so I don't know the answer to that.
7 A I mean --
8 Q My question is, did you continue to text
9 Mr. Adams --
10 Let me just ask you that, simple.
11 Did you continue to text Mr. Adams during that
12 time frame after those initial two?
13 A I believe so.
14 Q And do you know what the contents of those texts
15 would have been about?
16 A I can't recall the actual --
17 Q Would they have been --
18 A -- context of it, no.
19 Q Would they have been in reference, still, to
20 Mr. Campbell?
21 A Possibly.
22 Q Did -- now I'm talking about time frame now, right
23 after Malio's, maybe leading up to Fly Bar, that kind of
24 situation
25 Did you text or call anybody else during that

1 time, if you can recall?
2 A I don't recall. I would have to look at --
3 Q Do you recall whether you received any texts or
4 calls from anybody else such as Mr. Diaco, Stephen Diaco?
5 A I don't recall at all.
6 Q I'm not trying to play games with you. I just
7 want to -- when you say "I don't recall," that can be you
8 may have and you don't remember, or you're saying you did
9 not get any.
10 Do you follow the -- understand the distinction?
11 A Well, I would -- I mean, I would have to see the
12 phone records to know.
13 Q I understand.
14 A Because it was six months, five months ago.
15 I don't -- I don't remember.
16 Q Okay. That's what I'm trying to find out.
17 A Yeah.
18 Q Because people say --
19 A Yeah.
20 Q You know, when they say "I don't remember that,"
21 that's, in effect, they're saying no, as opposed to, "It may
22 have happened. I just don't remember."
23 A I'll say no -- yeah -- I'll say no if it's no. If
24 I'm certain, I'll say no.
25 Q Okay. So you get to the Fly Bar.

1 What happens there in reference to Phil Campbell,
2 if anything?
3 A Nothing happens there. I mean, regarding him.
4 I offered -- I believe I offered to just go back
5 if they needed, you know, anything, any other -- to see
6 maybe if he's still there. I don't know. Whatever
7 information the police or authorities needed.
8 Q Okay. I'm way off on this.
9 Why would the police or authority need any
10 information?
11 A Well, I would assume that's why they even cared
12 that he was there.
13 Q Well, we've missed the whole point about why they
14 care at all either
15 A Yeah. I don't --
16 Q Clue me in on that, why -- what were they saying
17 to you that gave you the impression that they cared that he
18 was there?
19 A I don't know any specifics like that. I would
20 just -- from now realizing what was happening --
21 Q Mm-hmm.
22 A -- that's obviously, you know, what happened.
23 They had --
24 Q Well, who's they?
25 A The police have a contact or --

1 Q Okay.
2 A -- regarding, you know, if -- where, you know, if
3 he's there or how many drinks he's had, whatever that was --
4 Q Mm-hmm.
5 A -- that -- those weren't typical questions that he
6 would have asked me.
7 Q Right.
8 A So obviously, if I -- I took it that they were --
9 they were professional, you know, investigating questions.
10 That's how I can remember taking that, implying that.
11 So I offered to go back if need be --
12 Q Okay.
13 A -- just to check -- whatever he needed. I was
14 fine. I was right down the street so it wasn't a big deal
15 for me. That's all it was.
16 Q Okay. So when you -- when you went back to
17 Malio's, what instructions did you have? Were they -- I
18 mean, were they telling you, "You need to do this --"
19 A No.
20 Q -- you need to do that?"
21 A No.
22 Q Did you assume you're going to still be in contact
23 with them, that this was going to be an ongoing dialogue,
24 where they're going to be asking you questions?
25 A No. I mean, there was no --

1 I don't even know, and I can't comment on that,
2 because I don't know that.
3 Q No. We're way -- Melissa, we're -- we're going to
4 have some problems here, okay?
5 All right. We've gone from you saying that you
6 called Rob Adams and said -- or texted him that Campbell's
7 in the bar, and he, I guess, asked if he was drinking or
8 something.
9 A Right.
10 Q And now suddenly we're jumping to the police are
11 involved somehow? So you know, and you're just offering to
12 go back there to --
13 A I believe --
14 Q -- to get information?
15 Who wants you to get information? What
16 information do they want?
17 A From my recollection --
18 Q Yes.
19 A -- I don't remember a specific word said or
20 comments, but I know that my understanding or at least my --
21 the way that I implied --
22 Q Mm-hmm.
23 A -- his questions --
24 Q Who's his?
25 A Rob's.

1 Q Okay. So --
2 Okay. So you offer to go back.
3 A Right.
4 Q But I assume they told you to go back, that Rob
5 told you, "yes, go back," right?
6 A No. I mean, not that I can recall. It wasn't --
7 I offered to go back. And --
8 Q Okay.
9 A -- that's what I remember.
10 Q So I'm picturing this in my mind, that you would
11 have a text that would say --
12 Was this text or voice, when you were having these
13 conversations with Rob about going back to Malio's?
14 A I would have to see. I don't know. I'm not sure.
15 Either/or.
16 Q So you were having voice and text communication
17 with him, is that fair to say, during that time frame?
18 A Possibly.
19 Q Okay. And so you would be -- if you were texting,
20 you would be saying, "Do you want me to go -- I can go back
21 there." And I assume there was a response saying, "Yes,"
22 "no."
23 A Yeah. I don't remember how the response was
24 given, but --
25 Q Okay.

1 A -- yes. I did go back.
 2 Q Okay. And are you trying to say today that you
 3 were acting on your own volition and went back just because
 4 you were trying to be a good legal assistant?
 5 A Well, I did go on my own volition.
 6 Q So nobody asked you to go back there.
 7 A Not that I can recall, no.
 8 Q Okay.
 9 A I offered.
 10 Q Okay. But then someone -- someone could say,
 11 "Don't bother."
 12 A I mean, yeah. I --
 13 Q Okay.
 14 A Anything could have been said, I guess.
 15 MR. BARLETT: What made you call in the first
 16 place? I mean, why call and say, "I saw Phil
 17 Campbell in the bar," or text, or whatever you did?
 18 THE WITNESS: Because it was shocking. It was
 19 a large case, and with the history that I was aware
 20 of, just from the news, and it was shocking. I
 21 didn't think that --
 22 MR. BARLETT: But why would you call -- I mean,
 23 why would you text him and say that? I mean, you
 24 look at him yourself and say, "Gee, whiz, I'm
 25 surprised the guy's out tonight," or, "He shouldn't

1 really be here," and this.
 2 But why text the firm or call the firm or
 3 whatever communication you utilized?
 4 THE WITNESS: There's no reason either way. I
 5 don't --
 6 Why wouldn't I?
 7 BY MR. LOUGHERY:
 8 Q Because it's really insignificant?
 9 A It was a comment that was light-hearted. It
 10 wasn't like -- when I saw him, and it was -- I was laughing,
 11 'cause I was like, "Oh, my God, I can't believe he's here."
 12 Q Okay. Now --
 13 A So it was very, like --
 14 Q Were you laughing after he got arrested for DUI?
 15 A No. Of course not.
 16 Q Just wanted to jump ahead there for a second, all
 17 right?
 18 MR. LOUGHERY: And can we go off the record
 19 just for a second?
 20 (A discussion was held off the record.)
 21 BY MR. LOUGHERY:
 22 Q So you've had some communications --
 23 A I need a moment to speak with my attorney.
 24 MR. LOUGHERY: Oh. Go ahead.
 25 If you're sure it's your attorney.

1 (The witness left the conference room and then returned
 2 with Mr. Norman Cannella, Jr.)
 3 MR. CANNELLA: It's my understanding my
 4 client's told me that there has been times that it's
 5 gone off the record, and at those times that they've
 6 gone off the record there's been threats made, or
 7 implied threats made to her.
 8 And it seems to me that if this is going to be
 9 conducted, it should be conducted on the record, and
 10 there shouldn't be intermediate times when they go
 11 off the record and things are said, especially words
 12 of intimidation to try to get information out of
 13 here.
 14 It's my understanding that the governor gave a
 15 special -- special assignment to the Sixth Judicial
 16 Circuit for them to investigate a DUI. And at this
 17 time, based on the questions that I hear that are
 18 coming from my client -- and of course, I'm not
 19 being involved in this -- this questioning, because
 20 the state attorney or the assistant state attorney,
 21 Mr. Loughery, does not want me in here. But it does
 22 not look like they're conducting an investigation
 23 that is into a DUI investigation. It looks like
 24 it's going hand in hand with a possible federal
 25 prosecution that's taking place.

1 With that said, I wish it would be this --
 2 these individuals in here that are representing the
 3 Sixth Judicial Circuit, they conduct an
 4 investigation into the DUI and not into other
 5 matters, which was part of their special assignment
 6 in the 12th Judicial Circuit, to investigate a DUI
 7 perpetrated by a Phil Campbell.
 8 MR. LOUGHERY: Okay. Thank you.
 9 (Mr. Norman Cannella Jr. left the conference room.)
 10 BY MR. LOUGHERY:
 11 Q I think where we were at, was, I was asking you
 12 about going back to Mallo's to try to assist.
 13 And did you have any idea --
 14 Or you weren't sure why you -- you offered to go
 15 back, is that right?
 16 A Yes.
 17 Q And the reason you offered to go back was to do
 18 what?
 19 A I don't recall.
 20 Q Okay. And when you got back --
 21 Let me ask you -- let's go back a second.
 22 Was there anybody else at Mallo's that you
 23 recognized the first time you were there besides Phil
 24 Campbell?
 25 A No.

1 Q Was there anybody else from Adams & Diaco in
2 there?
3 A No.
4 Q Okay.
5 A Not that I'm aware of.
6 Q All right. So you go back there.
7 You don't recall why you went back, is that right?
8 A No.
9 Q Okay. Was that because -- were you under the
10 influence of any narcotics or -- on that evening?
11 A No.
12 Q Did you have anything more than the two glasses of
13 wine?
14 A A glass of wine at Fly Bar.
15 Q Okay. So does three glasses of wine normally
16 prevent you from remembering what you were doing?
17 A Five months after? Yes.
18 Q Okay. So it's my understanding, two days after
19 this occurred, you were in court, right, on a motion for
20 mistrial?
21 A I don't recall the exact date, but soon after,
22 yes.
23 Q And you testified in that, right?
24 A I did.
25 Q And you evoked the Fifth Amendment, is that right?

1 A I did.
2 Q What was the reason you did that?
3 A By advice of counsel.
4 Q Okay. And which counsel is that that advised you
5 of that?
6 A My counsel that's here today, Norman Cannella.
7 Q Jr.?
8 Okay. Okay. So you as far as your memory is
9 concerned, would you -- two days after this happened, you
10 were testifying in court and taking the Fifth Amendment, and
11 today you don't remember the reasons for that?
12 A Don't remember the reasons for what?
13 Q For --
14 A For pleading -- for taking the Fifth Amendment?
15 Q What happened that day, where you would take the
16 Fifth Amendment, the facts of what occurred that day.
17 A I don't understand the question.
18 Q Okay. And you're saying you don't remember what
19 happened five months ago.
20 A Today, I do not remember.
21 Q And today I'm asking you, that was a pretty big
22 moment in your life, was it not?
23 A It was.
24 Q Yes. And in fact, two days later, you were in a
25 courtroom being questioned about it, correct?

1 A Yes.
2 Q And you're saying now, five months later, you
3 don't remember what that was all about back then.
4 A No. That's not what I'm saying, I don't remember
5 what it's all about.
6 Q Okay. My question to you was why -- you said you
7 were going to be -- you offered to go back and assist or
8 help.
9 What was it that you felt you would be doing that
10 would assist or help by going back to Mallo's? What were
11 you supposed to look for? What did you think you were
12 supposed to do?
13 A I can't assume at this point.
14 Q Because your memory's so bad you don't remember?
15 A I got very intoxicated that night, and it's been
16 five months, and I had federal agents at my door at 6:00
17 this morning.
18 So yes, I do not remember at this moment, and I'm
19 not going to make a statement I'm not certain about.
20 Q Okay. Well, I wasn't aware there was a federal
21 agent --
22 A We informed you --
23 Q -- remedy to having a memory problem.
24 A No. There's no remedy. But when, obviously, it's
25 very disturbing --

1 Q Yes.
2 A -- and you were not allowing me to have some time
3 to figure out anything, I don't -- I'm not going to make a
4 comment I'm not certain on.
5 Q Okay. Well, first off --
6 A I'm not.
7 Q -- I had nothing to do with the federal agents
8 doing something.
9 A And I'm not saying that you did.
10 Q Okay.
11 A I'm only explaining why I am --
12 Q Okay.
13 A -- my memory is not as wonderful as it could be.
14 Q Okay. And so what happens when you get back to
15 Mallo's, then?
16 How do you -- how do you get there? Do you drive
17 back from the Fly Bar?
18 A Yes.
19 Q Does Vanessa drive back with you in her own car?
20 A Yes.
21 Q Where do you park when you go back to Mallo's at
22 that time?
23 A Valet.
24 Q Why did you valet park that time and not the time
25 before?

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1 A I can't recall.
 2 Q Did Vanessa valet as well?
 3 A I don't remember.
 4 Q Do you remember paying Vanessa the valet money
 5 when she left?
 6 A No, I don't.
 7 Q 'Cause Vanessa didn't want to park there, because
 8 she doesn't have the kind of money to park at valet.
 9 A I don't remember how much the valet was.
 10 Q Okay. Well, that wasn't my question.
 11 My question was, do you recall --
 12 A Well, you --
 13 Q -- giving --
 14 A You implied it was a large amount of money, she
 15 doesn't have that type of money to valet her car.
 16 Q Okay.
 17 A And I don't even remember how much it would be.
 18 So if you know that, I --
 19 Q Okay.
 20 A I don't see it that way.
 21 Q But my question was, do you recall giving Vanessa
 22 money to pay for the valet?
 23 A No, I don't.
 24 Q Okay. So you valet park that time.
 25 And then tell me what you do when you go --

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1 Do you voice call or text message anybody to tell
 2 them you're back at Mallo's?
 3 A I would have to see my phone records. I don't --
 4 I don't remember specifically when a call was made or a text
 5 was made. There's hundreds of text messages between me and
 6 everybody in my life, so --
 7 Q Okay.
 8 A -- obviously I don't remember specific -- I mean,
 9 if you have the records and you want to show me--
 10 Q Okay.
 11 A -- I'll agree. If that's what it is, then
 12 that's --
 13 Q Okay.
 14 A I don't know.
 15 Q Okay. Just so we're clear on this, I'm not asking
 16 you how many; I'm not asking you necessarily, unless you
 17 remember the details, of these voice calls or text messages
 18 What I'm asking, because you've now left the Fly
 19 Bar, right, because you've offered to go back to Mallo's,
 20 for reasons you don't really remember why, but has something
 21 to do with Phil Campbell, right?
 22 A Yes.
 23 Q Is that right?
 24 Okay. And so when you got back there, do you
 25 recall whether you were staying in communication with other

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1 people to let them know "I'm here now to offer help or aid
 2 you in," whatever it is?
 3 A The way that you say that, I -- I can't -- I
 4 wouldn't --
 5 Q Okay.
 6 A I wouldn't say it that way, so --
 7 Q Well, how would you say it?
 8 A Well, I mean, if I had contact with people while I
 9 was there, then I had contact with people while I was there.
 10 Do I specifically remember the context of those
 11 conversations? No, I do not.
 12 Q That wasn't --
 13 A Okay.
 14 Q That wasn't my question.
 15 A So -- but your question was to aid you to, you
 16 know, assist you in this
 17 I can't say that because I don't remember and
 18 recall the context of those -- those text messages. I had
 19 already had three glasses of wine and another at the bar, so
 20 obviously, I'm not -- my memory was going by then. And I
 21 barely remember yesterday. And anyone in my life can attest
 22 to that. So I don't have a great memory.
 23 Q Okay. Well, that's -- what I'm asking was --
 24 All right. Maybe I didn't -- I'm trying to put it
 25 in terms that go along with what you just told me, okay?

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1 What I'm trying to find out is -- I mean, you
 2 don't have a memory of a lot of the details, but you do know
 3 that you saw Phil Campbell. You do know you called Rob
 4 Adams. You do know there was some communication between you
 5 and him about that. You do know that he communicated to you
 6 something about Phil Campbell and which you said, "I
 7 will --" offered to go back there. And in fact you did go
 8 back there, right?
 9 A Correct.
 10 Q Now, I'm going to assume the fact that you went
 11 back there offering to get some information, or whatever it
 12 is that Mr. Adams was interested in, you would communicate
 13 it to Mr. Adams, "I'm back at Mallo's."
 14 A You can assume.
 15 Q You don't remember.
 16 A I told you I do not remember specific -- the
 17 context of those messages.
 18 Q I'm not asking --
 19 A So I don't --
 20 Q I'm not asking about the context. I'm asking
 21 whether you had a communication with him.
 22 A If you have my phone records, then you will know
 23 if I did. I haven't even looked at my phone records.
 24 Q Okay. Would --
 25 Let me ask you this: Would there be any reason

1 that you would have -- be having text messages or voice
2 calls to Rob Adams during that time frame that had something
3 to do other than Mr. Campbell?
4 A Yes.
5 Q What would that be?
6 A I assign all statewide cases for all of our
7 clients, so all new cases that come in, him and I have
8 constant contact regarding work-related things like that.
9 Q Okay. Do you recall having those conversations
10 with him during that time frame?
11 A I don't remember.
12 Q Okay. So when you get back to Malio's and you've
13 parked your car, and Vanessa has as well, what do you do
14 then?
15 A We went inside to the bar.
16 Q Okay.
17 A There was two chairs, bar stools open, but they
18 were separated by a couple, a man and a woman.
19 Q Got you.
20 A So we asked them, "Can you move down for -- so
21 that we can sit together?"
22 And they could have moved either way, but they
23 ended up moving to the left, and it left the only two seats
24 available to be right next to Phil Campbell.
25 Q Okay. That was okay with you, wasn't it?

1 A Actually -- I mean, it -- I don't know how to even
2 answer that. It wasn't okay or not okay. It wasn't ideal.
3 I wasn't -- that wasn't my plan, to sit next to him, to
4 speak to him, to have any communication with him. So no, it
5 wasn't okay with me.
6 Q Okay. Now we're going back into some memory here.
7 What was your plan when you --
8 A There was none. That's the point. You said
9 that's okay with me. If you're going to ask me questions
10 that way, then I don't know how to answer you. If you're
11 going to insinuate somehow I was happy about that and I was
12 okay with that, no.
13 Q Well, didn't you just tell me that the reason you
14 went back to Malio's was to offer assistance about any
15 information they may want to get on Phil Campbell?
16 A Assistance is, what? I mean --
17 Q That's the word you used.
18 A I don't -- that doesn't mean anything. That
19 doesn't mean I would be happy to sit next to him at the bar.
20 No.
21 Q Okay.
22 A You're incorrect.
23 Q All right. Well, let's go back. Let's talk about
24 that for a second.
25 Okay. So just so I'm clear on this, the sole

1 purpose of you going back to --
2 A Can I be clear? This is a DUI investigation,
3 correct?
4 Q I'm asking the questions.
5 A I'm just -- for my own knowledge.
6 Q Yes, it is. Yes, it is.
7 A Okay.
8 Q Yes, it is.
9 A Just checking.
10 Q It is a DUI investigation.
11 A Okay.
12 Q So my question is, the reason you went back to
13 Malio's was because Phil Campbell was there, right?
14 A Correct.
15 Q Okay. And so when you went back there, just so
16 happened that seats opened up next to him, right?
17 A Yes.
18 Q Now, who sat next to Phil Campbell? You or
19 Vanessa?
20 A I did.
21 Q Okay. Now, what happened after that?
22 A The bartender walked up. We asked her for a glass
23 of chardonnay each, and for menus. She brought us the menus
24 and we looked at them. We were hungry, so we were looking
25 at our menus. That was it.

1 Q Okay. Then what happened after that?
2 A After that, some time had gone by. I don't
3 know -- I can't remember exactly how many minutes it was,
4 but it was a long period of time. We still hadn't gotten
5 our glass of wine yet. And we were at the bar, so it was
6 odd that we were still waiting.
7 Q Now, you had ordered it, but you just hadn't
8 gotten it.
9 A Yes. Exactly.
10 Q And I don't mean to interrupt you, but was the bar
11 still crowded?
12 A Yes.
13 Q What you had said about the seats, right?
14 A Yeah. It was completely crowded.
15 Q All right. Go ahead.
16 A And so who I later learned was Jon Ellis, which I
17 didn't know at the time, was sitting a few seats down.
18 He -- I heard him order a glass of water from the bartender,
19 and she immediately gave it to him.
20 Q Mm-hmm.
21 A And it's typical for bartenders to pay more
22 attention -- women bartenders to pay more attention to male
23 bartenders -- or male patrons.
24 So I made a comment to Jon Ellis, I said, "You're
25 getting your water before we get our wine."

1 Q Okay. Go ahead.
2 A And then after I said that to him, Phil Campbell
3 said -- looked at me, and said, "I'm sorry about that," and
4 said -- spoke to the bartender and said -- called her by
5 name, Denise -- "Denise, please get these ladies a glass of
6 whatever they'd like," or something to that matter, "on my
7 tab."
8 Q Okay.
9 A Something like that.
10 And so she did.
11 Q Okay. I know you don't have -- don't know the
12 specific quote, let's say, but he did say on his tab.
13 A Yes.
14 Q Okay. Go ahead.
15 A So she brought us our wine. And I said, "Thank
16 you."
17 Q Okay. Now, had you had any conversation with him
18 prior to him doing that?
19 A No.
20 Q Okay. All right. So you get your wine.
21 And what occurs after that?
22 A I mean, I don't remember specifically how the
23 conversation came -- how it -- we were engaging in
24 conversation after that. I think it was just small talk
25 between two people sitting at a bar.

1 Q Okay.
2 A I mean, her and I spoke for, you know, a while.
3 We were ordering food. And --
4 Q So did you in fact order food?
5 A Yes. Mm-hmm.
6 Q Do you remember what it was?
7 A It was like -- I mean, I have my receipt, so
8 that's pretty much --
9 Q Okay.
10 A -- whatever's on there. I mean, do I remember
11 ordering what was on my receipt?
12 Q No.
13 You still have the receipt?
14 A No. I don't have my receipt. I have -- there
15 was -- the copies of the receipt were provided.
16 Q I don't understand that. Provided --
17 A In the past -- this past case, situation,
18 whatever, the copies of the receipt were received by
19 Schumaker's office, apparently, and were provided to us
20 MR. BARLETT: In discovery.
21 THE WITNESS: Right. I believe so. Yeah.
22 BY MR. LOUGHERY:
23 Q But way back then, during the time frame that
24 Schumaker was still on the case and it wasn't -- I mean --
25 A Yeah. I mean, I don't know when they received it.

1 It wasn't given to me, personally.
2 Q No, I understand.
3 A But I've been given a copy of my receipt now.
4 Q Okay. That's what -- I don't want to get into the
5 details that --
6 A Right.
7 Q -- the time frame.
8 But I guess what I'm asking is, it's my
9 understanding that Schumaker was -- or that group was
10 basically fired about a week or maybe less -- I don't
11 know -- a week or two weeks after this happened, after the
12 23rd. I'm not asking you to commit yes or no or whatever.
13 A I don't know. But they were. I mean --
14 Q Yes.
15 A -- I don't know if it was that soon.
16 Q What I'm saying is --
17 A I don't think it was that soon, but I couldn't be
18 positive.
19 Q About when you got to look at your receipt. Is
20 that what you're talking about?
21 A I just saw my receipt.
22 Q Okay.
23 A So.
24 Q Who showed you that?
25 A Well, I finally -- I wanted it. I tried to get it

1 from Malio's but they didn't provide it to me. I mean, I
2 just got it --
3 Q Who showed it to you --
4 A -- a few days --
5 One of the attorneys at work, I mean, gave it to
6 me.
7 Q And what attorney would that be?
8 A Brian. He had -- he was holding onto the file for
9 that case.
10 Q And that's Brian Motroni?
11 A Yeah. So I got a copy of it.
12 Q And having just read that, you say, just a couple
13 days ago, you don't recall what it says?
14 A I know it was something like mozzarella sticks.
15 They don't put specifics on there.
16 Q Okay.
17 A It's really abbreviated. I think it was some type
18 of -- Vanessa ordered some type of, like, seafood. I know
19 that was hers, 'cause I don't eat seafood. And I got some
20 mozzarella, some type of mozzarella meal.
21 Q Okay. And that was paid with your debit card --
22 A Yes.
23 Q -- the same one that you used before when you were
24 there?
25 A Yes.

1 Q Okay. So now we're at the -- we're now -- you've
2 got some wine, you've got some appetizers or some dinner or
3 food or whatever.
4 What happens after that?
5 A I mean, conversation began. I don't remember how
6 I remember speaking to Jon Ellis a lot. I mean, he was
7 talking to me a lot and, you know, just normal --
8 Q Anything about that conversation with Ellis that
9 was -- anything about, that he said, that surprised you or
10 made you feel a certain way, or anything unusual about that
11 conversation with him?
12 A Made me feel what kind of way?
13 Q I don't know. I'm asking you.
14 A I don't --
15 Q Anything out of the ordinary.
16 A No. It was normal --
17 Q Okay.
18 A -- bar talk. I mean, normal talk.
19 Q Now, did you know at that time that Ellis was
20 Campbell's partner or was an attorney on the Bubba-MJ trial?
21 A No, I didn't.
22 Q Did you ever know that that night?
23 A No.
24 Q Okay. It wasn't till later?
25 Now, that night, you did know that Campbell was

1 involved in that case, right?
2 A Yes.
3 Q Okay. All right. Did --
4 So what kind of -- so I'm going to ask you about
5 your conversations that you had with Mr. Campbell that
6 evening.
7 Do you recall what conversations you had with him
8 during that time, besides normal bar talk? Anything else?
9 What did you tell him about yourself, if anything?
10 (Mr. Bartlett left the conference room.)
11 A He asked me, you know, my name. He never asked me
12 my last name. I don't -- I can't recall specifically --
13 Q Okay.
14 A -- what we talked about now.
15 Q All right. And why don't you tell me what you
16 recall about him, as far as drinking, while you were there
17 with him, or next to him.
18 A He had a cocktail glass with some type of liquor
19 in it, clear, with ice. And I mean, he was drinking that.
20 And --
21 Q Do you remember how many drinks he had?
22 A I mean, I couldn't say for certain, but at least
23 two --
24 Q Okay.
25 A -- or three.

1 Q And just to kind of jump ahead here, okay, I think
2 you said -- maybe you didn't say this.
3 But what time about do you think it was when you
4 got back to Mallo's? I think you thought you might have
5 left there approximately around 6:30, went to the Fly, had a
6 drink and went back. I want to put a time frame on it.
7 What do you think?
8 A Somewhere between 6:30 and 7:30.
9 Q Okay.
10 A I mean, I don't remember.
11 Q And did you ever leave Mallo's after you got back
12 there the second time, until you ultimately left and then
13 were pulled over?
14 A No.
15 Q Okay. Did Vanessa leave before you did?
16 A She did.
17 Q Do you remember what time she left, before you?
18 A No. I don't.
19 Q How about Jonathan Ellis? Did he leave at some
20 point prior to you leaving?
21 A Yes.
22 Q So in that time frame -- that's what I was just
23 asking, to go back to it -- between, like, that 6:30 to 7:30
24 to --
25 In this particular case, we know that your car was

1 pulled over at 9:57.
2 A Okay.
3 Q Okay. Just so you can use that as a parameter.
4 So between the 6:30 to 7:30 time when you got back
5 to Mallo's till the almost 10:00, you only recall
6 Mr. Campbell having two drinks, about, is that right? Or
7 what do you think?
8 A Well, I mean, he had a drink in front of him when
9 I first saw him at Mallo's.
10 Q Yup
11 A And then when I get back, there was a drink in
12 front of him.
13 Q Mm-hmm.
14 A And while I was there, he had at least two more
15 drinks and a shot --
16 Q Okay.
17 A -- so ...
18 Q All right. Let me ask about the shot.
19 How was -- did you have some involvement with that
20 shot?
21 A Yeah. I mean, I don't remember who brought it up
22 or -- you know, they were -- at that point, there was a few
23 other attorneys that had known Phil and Jon, apparently. So
24 they came up talking to them, and we were all engaging in
25 conversation.

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1 And so I don't remember who brought up doing a
2 shot or --
3 Q Mm-hmm.
4 A -- whatever, but when it was mentioned, I know
5 that --
6 I don't do shots. I only do one shot that I like.
7 So --
8 Q Just so I'm clear, you're saying -- there's only
9 one shot you will do? Is that what you're saying?
10 A Typically, yes.
11 Q And I guess my question, so we understand what we
12 mean by that, okay, does that mean, if people are drinking
13 shots, if they drink two or three or four, "I'm only
14 drinking one --"
15 A Oh, no, no.
16 Q Or are you only saying --
17 A One type.
18 Q One type of shot.
19 A One type. I'm sorry. One type of shot.
20 Q All right. And what would that be?
21 A Southern Comfort, A Southern Comfort kamikaze.
22 Q Okay. So I'm assuming that's what you all had.
23 A Right. So that's what we ordered. Exactly.
24 Q Now, did you order that? You know, say, "I'm the
25 one that's going to buy shots here? Let's get some Southern

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1 Comforts"?
2 A I don't remember that at all. No. I mean, I
3 wouldn't -- I don't --
4 O Do you know whether your receipt showed you paid
5 for that?
6 A I paid for two shots.
7 Q Did more than two people do shots?
8 A Yes.
9 Q And the two shots that you paid for, do you know
10 how they were consumed?
11 A Well, they were for me and Vanessa, but I guess
12 she decided not to do it, and so then I offered it to any of
13 the guys, I think, that didn't have one, and then I told --
14 you know, asked Phil, and Phil said, "No, I'm not going to
15 do it." And he's like, "No. I've got to in the morning."
16 I remember him saying something like that.
17 And Jon Ellis then said, "Don't be --" like he was
18 vulgar. It was like, "Don't be," the P word, and, "Take the
19 shot. Do the shot."
20 And eventually made Phil do it; like, he did the
21 shot.
22 And he had done that earlier in the evening too.
23 Q He, Ellis?
24 A Jon Ellis, yeah, regarding another drink.
25 Q To Phil?

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1 A Yeah.
2 Q Do you recall the specifics of that? I mean, how
3 much do you remember of that?
4 A I don't. I mean, I just remember, I think, Phil,
5 like, you know, not drinking or slowing down or something,
6 and then Jon was like, "Come on," again, like, "Don't be a
7 girl," like, you know, "Have another drink." He was just
8 urging him to drink more.
9 O Okay. So that was me kind of asking questions
10 about the totality of the kind of drinks that he might have
11 had.
12 So you told me about that, is that right?
13 Anything else you want to add about what you saw
14 Campbell drink?
15 I'm just trying to get from segment to segment.
16 I think you said he had one -- he might have
17 had -- not knowing if you were walking back on ones that he
18 had got, but you definitely saw him with a drink in front of
19 him when you were first there; you saw him with a drink in
20 front of him when you got back; I think you said he probably
21 ordered at least two drinks while you were there; and he
22 also had a shot.
23 A Mm-hmm.
24 Q Anything else that you -- along those lines you
25 can recall?

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1 A No.
2 O All right. What about you? What did you --
3 I think you -- you did the Southern Comfort shot,
4 right?
5 A Yes.
6 O And what else were you drinking there during this
7 evening?
8 I know you've mentioned, by the time you get back
9 the second time, you've probably had three glasses of wine,
10 right?
11 A Yes.
12 Q So what do you think? When you ordered -- or he
13 got a glass of wine, both, when you got back, any other wine
14 or beers or shots or anything else besides what we've talked
15 about?
16 A I was drinking throughout the night --
17 Q Okay.
18 A -- so --
19 Q So you would have had --
20 A Yeah.
21 Q -- more wine.
22 A Oh --
23 Q Wine. Is that what we're talking about?
24 A From my -- yeah. From my memory, it was just
25 wine.

1 Q Okay.
2 A And the shot.
3 Q Do you have any idea of how many more -- how many
4 glasses of wine you might have had while you were at Malio's
5 the second time?
6 A I don't remember specifically, but at least two
7 more glasses, I would say, if not more.
8 Q And besides the first one that Phil -- you said
9 Campbell put on his tab, did he buy you any other wines?
10 Glasses?
11 A None of my wine was on my tab.
12 Q Okay. Was anybody -- was there anybody else there
13 other than Phil Campbell that could have been buying you
14 drinks, or was there, do you remember?
15 A Not that I'm aware of.
16 Q So you would say that the wines -- any other wines
17 you would have had at Malio's the second time, Campbell
18 would have gotten for you.
19 A Qh, yeah.
20 Q And you don't know how many that was, but it was
21 probably at least a couple
22 A At least two, three. I mean, I can --
23 Obviously, if I had two glasses of wine, you know,
24 previously there, and I was there for a much extended --
25 much more extended period of time the second time, then, I

1 mean, I can only assume for myself that, yeah, I know I had
2 way more than that.
3 Q Okay. And was there any particular reason on that
4 particular night you decided to drink so much?
5 A No. Not at all.
6 Q Is that typical, when you go out drinking, that
7 you drink that much?
8 A When it comes to wine, I do tend to drink, you
9 know, a good amount. If it was liquor, I wouldn't probably
10 have drunk so much.
11 Q Well, I guess I'm saying at the end of the night,
12 you were pretty intoxicated.
13 Was that an original scenario, that you would go
14 out on a Wednesday night and wind up intoxicated, or would
15 that be, if you decided to go out for happy hour, that might
16 be common or not uncommon --
17 A If --
18 Q -- that you might be there drinking.
19 A If I went out and happy hour extended on, it's
20 happened before, yes.
21 Q Okay.
22 A Yeah.
23 Q Okay. You had a previous DUI, is that right?
24 A A charge. I wasn't actually convicted of it.
25 Q You pled to a reckless driving, right?

1 A Yes.
2 Q And that was back in, maybe, '08, 2010?
3 A Yes.
4 Q And your driver's license was suspended on
5 January 23rd, 2013, right?
6 A That's what I was told, yes.
7 Q And in fact your license had been suspended --
8 A Yes.
9 Q -- for a long period of time, had it not been?
10 A Well, I had an attorney that I had thought that
11 everything was fixed.
12 Q Okay.
13 A So it wasn't until later that I found out that
14 there was points assessed on my license that happened in
15 2008 or '9. And it was a ticket that I actually went to
16 court myself to take care of, just -- well, it was years
17 later, I guess, from the ticket date.
18 And when I went in, I thought, "I just want
19 adjudication withheld."
20 The judge said, "Has everything else on your -- on
21 this been taken care of?"
22 I was like, "Yeah. This is the last ticket. This
23 is it."
24 And she said, "Okay."
25 And so I was understanding it was supposed to be

1 adjudication withheld and the points weren't going to be
2 assessed.
3 Q Right.
4 A But they did assess them.
5 But then I had 12 points within 12 months --
6 Q Right.
7 A -- from tickets that were back in '08 or '09, that
8 was just, like, then, I guess, put on my license --
9 Q Right.
10 A -- which suspended my license.
11 Q So I'm taking it, you did not know --
12 A No.
13 Q -- your license was suspended on that day, right?
14 A No.
15 Q And when you later found that out, I guess you had
16 also found that it had been suspended for a while, and you
17 didn't know that.
18 A I didn't find out for what period of time.
19 Q Right.
20 A I didn't find that out.
21 So I just went and took care of whatever needed to
22 be taken care of to fix it.
23 Q And how was it you found out your license was
24 suspended?
25 A The officer informed me.

1 Q That night?
2 A That night.
3 Q And is that because he took your information and
4 stuff, and ran it or whatever, or you're assuming -- that
5 would be your assumption?
6 A That's my assumption.
7 Q Did he ask you for your license that night or just
8 ask you for your name or do you recall?
9 A I don't remember.
10 Q So we're back at Mallo's, here, all right?
11 Tell us -- tell me what happens here in regards to
12 what ultimately leads to Phil Campbell driving your car. I
13 mean, how does that conversation get to that, I mean, your
14 sitting next to him at the bar, get to that actually
15 happening.
16 A I'm sorry. Repeat that.
17 Q How do you get from sitting next to him in the
18 bar --
19 A Okay.
20 Q -- to sitting next to him in your car? How about
21 that?
22 A Well, we both left at the same time, left the bar
23 at the same time. And --
24 Q And that was just coincidental?
25 A I don't remember the conversation. I think it was

1 intoxicated or anything like that at that point, you know,
2 before he takes the card out of your hand?
3 A Before he took my valet ticket?
4 Q Yes.
5 A I don't remember sequence that specific. But I
6 want to say it was after he had already done that. Because
7 it doesn't make sense to me that he would have taken the
8 ticket out of my hand and then said -- like, if he said it
9 to me before, why would he go retrieve my vehicle for me? I
10 just don't --
11 Q Okay.
12 A But I can't be certain --
13 Q I understand.
14 A -- the conversation exactly.
15 Q So -- but you believe when he took the ticket --
16 A It was after that.
17 Q -- from you, that --
18 A Right.
19 Q -- that would just be, for lack of maybe a better
20 word, him being a gentleman and --
21 A Right.
22 Q -- doing it for you.
23 A Right.
24 Q Okay.
25 A I think so.

1 more of just like, you know, "It's getting late." And you
2 know, we both kind of had to go. It was pretty late.
3 Q Okay. Well, let me ask you this: Was there any
4 talk about remaining together after leaving the bar or were
5 you just both leaving the bar to go your separate ways when
6 you walked out of the bar?
7 A Yeah. I mean, I don't remember there being any
8 talk about that at that point, no. Not at all.
9 Q So you would be leaving the bar to go your
10 separate ways.
11 A Yes. Yes.
12 Q Okay. Go ahead.
13 A So then we were walking out of Mallo's into the
14 lobby area, and he asked me to hold on and wait for a
15 moment. I think he asked me where did I park, and I said I
16 valeted. And he said, "Hold on. I'll walk you out."
17 And then he left for a few minutes and came back.
18 And we went outside, and I was -- I took the valet
19 ticket out of my purse, and he took it out of my hands and
20 took it to the valet attendant, and he -- you know, they got
21 my car.
22 Q Let me ask you this before -- at this point.
23 Had there been any discussion between the two of
24 you about either him not wanting you to drive because maybe
25 you were too intoxicated, or you saying to him you were too

1 Q All right. Go ahead.
2 A So then when we did have -- I remember my car
3 being there already, or being pulled up right then, and him
4 saying, you know, "You've had too much to drink. You
5 shouldn't drive." And I was like, "Yeah. But you know, I
6 need my car, so" -- you know.
7 And he's like, "Go to --" he's like, "We can walk
8 to my condo, which is a couple blocks from here. And you
9 know, you can come in and sober up," or whatever there.
10 And I know that I was insisting that I needed
11 access to my car.
12 And so I think him or I or both spoke -- told the
13 valet attendant, you know, or asking, "Can --" I think it
14 was him, "Can you --" you know, "Could she leave her car?"
15 And he said, "Yeah," you know, "she can leave it."
16 But I said, "I need access to it, though." Like,
17 I know I can leave it here, but then when will I have -- be
18 able to gain access to it again? If I left it, I wouldn't
19 have access to it.
20 Q That's what you --
21 A So --
22 Q You're saying right now you're saying that or
23 that's what you said then?
24 A That's what I was saying. Yeah. It was then.
25 I'm like, "If I leave it, yeah, I can leave it, but I'm not

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1 going to be able to get into it and I'm not going to be able
2 to get it."
3 Because I had my kids that I had to take in the
4 morning to -- they were going out of town with my family.
5 So I had stuff to do. I mean, I couldn't just leave my car
6 there --
7 Q Okay.
8 A -- and not be able to get keys to, like, get my
9 keys to get in and drive it away.
10 Q So they wouldn't give you your keys?
11 A No. If I left it there --
12 Q Yeah.
13 A -- with the valet, then they would keep the keys
14 and then I would have to -- I mean, that was my
15 understanding. And then I would have to come back when they
16 opened the next day, which would be whatever time, to then
17 gain access again.
18 So that was my problem was, I wasn't going to have
19 access to my car.
20 Q Now, is that -- and I can't tell you from my own
21 memory of it -- is that a lot where the valet parks or --
22 A I don't know. I don't know. I don't know where
23 they park the cars when they valet them.
24 Q That was my question.
25 A Yeah.

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1 Q Do you even know where they park them?
2 A No. I don't.
3 Q And you don't -- it's your belief, as you're
4 testifying today, that you would not have access to your car
5 necessarily because you don't know where they parked it, or
6 whether that was in a locked gated area or something like
7 that, but because you wouldn't have your keys. Is that what
8 you're saying?
9 A Well, I mean, in general, I think a little bit of
10 both. Because you know, you see some of the cars, they park
11 up there. But the rest -- I mean, I don't know where they
12 put them.
13 And it wouldn't have mattered either way. I mean,
14 I -- you know, when -- it was my understanding I wouldn't
15 have access to it in general.
16 Q All right. Well, it's my understanding that what
17 you can do is that you pay your -- you pay the valet for
18 having your car there, and then they give you your keys, and
19 you can just come back any time you want and get it.
20 A When you valet a car? They take your keys.
21 Q No, no. But then when you say, "I want to leave
22 my car here tonight," they say, "Okay. Give me the money.
23 Here's your keys. You can come get it when you want it."
24 A That wasn't -- they didn't say that.
25 Q All right. And you were kind of in a conversation

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1 with the valet yourself at some point, is that right?
2 A Well, it was just in general. It was mostly with
3 Phil. Because I think the valet could hear me, but he was
4 busy going back and forth getting other cars and stuff,
5 so --
6 Q Okay. So just so I get this right, you don't
7 believe there was any discussion about you being too
8 intoxicated to drive --
9 A Yeah.
10 Q -- prior to the car being brought up by the valet.
11 You think that came up after the car was already brought up
12 by the valet.
13 A I don't remember specifically. I don't. That
14 sequence I don't.
15 Q But that goes back to saying it doesn't make sense
16 that, if Phil thought you were too intoxicated to drive, why
17 would he have the car brought up?
18 A Right. But I mean, I can't assume. I mean, I
19 just don't remember.
20 Q All right. Now, what did you think, if you can
21 recall, that Phil Campbell's level of sobriety was at that
22 time? Could you even --
23 A I was too intoxicated to be able to judge someone
24 else's. I mean ...
25 Q So now you're saying you need to have access to

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1 your car. And by -- and you said you had to take your kids
2 someplace in the morning, is that right?
3 A Yeah.
4 Q So let me just follow --
5 Did the kids stay with you --
6 A They were --
7 Q -- that night?
8 Let me ask you that: That night, where were the
9 kids? How would you have facilitated taking them to where
10 they needed to be the next day? You follow what I'm saying?
11 A Right.
12 I needed -- I needed to be able to have access to
13 get back to my car and be able to -- even if I had to take a
14 cab home and a cab back, to, you know, go grab it, wherever
15 I left it. Then I needed --
16 Q I guess my question --
17 A Right.
18 Q -- is this. I understand this.
19 A Okay.
20 Q But were your kids -- at least on that night, were
21 your kids with you?
22 A Yes. They live with me full-time.
23 Q Okay. I don't want to get into a whole bunch of
24 stuff there.
25 How old are your children?

1 A 10 and 14.
 2 Q Okay. And so they would have been at home that
 3 evening.
 4 Was there anybody else there living at the house
 5 besides them?
 6 A My ex-husband was there that night with them,
 7 because he had picked them up, I think, from school that day
 8 or something, so --
 9 Q Okay. And was that an agreement, 'cause you were
 10 going to be out, he was going to stay with them --
 11 A I don't remember.
 12 Q -- or it just happened that way?
 13 A I don't remember that --
 14 Q And I'm not trying --
 15 A -- that day.
 16 Q -- to make a comment on anything. I mean, as far
 17 as, would it be unusual or would you not leave a 14-year old
 18 and a 10-year old at home by themselves for a few hours?
 19 A No. I typically don't, no.
 20 Q That's all right. I mean 14's, pretty old.
 21 A I'm a little overprotective when it comes to them.
 22 Q So even though you don't remember whether you had
 23 an arrangement with your ex-husband to watch them while you
 24 were gone, it's more likely -- I don't want to put words in
 25 your mouth. But normally, you wouldn't have them just be

1 A When?
 2 Q At that point. When your car's there --
 3 A So I --
 4 Q -- you've had some discussion about being too
 5 intoxicated to drive. You need to have access to your car.
 6 You thought that the car -- you would not be able to have
 7 access --
 8 A Right.
 9 Q -- to it at Mallo's, right?
 10 A I said, "I'll meet you there. I understand, you
 11 know, I need to sober up, but I need to just move my car.
 12 I'm going to move it, like, down the street or somewhere,
 13 and then I'll meet you at your -- at your condo, so I can
 14 sober up, possibly."
 15 At that point, I was thinking I'll meet him there.
 16 Or I have friends that live downtown. Maybe I can get ahold
 17 of someone and sober up, or just call a cab and go home
 18 I wasn't even thinking straight at that point,
 19 obviously, with drinking that much.
 20 So my intention and what I kept on saying was,
 21 "No, I'm just going to move my car and I'll meet you there."
 22 At that point, he wouldn't accept that, and he
 23 just went over and opened the passenger door of my car and
 24 said, "Here. Get in."
 25 And I was like, "Okay. What's going on?"

1 there by themselves.
 2 A No. I would not have even -- if they were going
 3 to -- I would have been home with them. So, like, I
 4 wouldn't have gone out if I had them, you know -- if I had
 5 to go pick them up myself, you know, from school or
 6 whatever.
 7 Q Right.
 8 A So no.
 9 Q So you --
 10 A My ex-husband and I have, you know -- it's
 11 constantly changing, depending on his schedule. So maybe
 12 one day he can pick them up and then he can stay with them
 13 until I get home, and so then I, you know, have a little
 14 time to myself.
 15 Q So it would have been something like that.
 16 A Exactly.
 17 Q All right.
 18 A Very last, you know, just --
 19 Q Okay. And so you're at -- you need access to your
 20 car 'cause you've got to get back to it 'cause -- in the
 21 morning. Even if you took a cab home, you have to take a
 22 cab back, right?
 23 A Mm-hmm.
 24 Q So you get your car.
 25 So what is it you decide to do, or what happens?

1 And then he went around and got into the driver's
 2 side, and that's it, and then we left. We pulled out.
 3 Q All right. Now, did he have anything with him?
 4 A I mean, I know now that he had his briefcase with
 5 him --
 6 Q Mm-hmm.
 7 A -- but I didn't see it at all. Like, I don't
 8 remember -- I mean, I guess I was just drunk and oblivious,
 9 because I did not see that bag. And it still shocks me
 10 that --
 11 I just didn't see it. I didn't pay attention.
 12 Q Now, just to kind of jump ahead, my understanding
 13 that you, I guess, around the next day, around noon or
 14 something like that, had gone back out to your car and seen
 15 it the first time, is that right? Or, "Wow, the briefcase
 16 is here"?
 17 A Yeah. The car was already at my house. And I --
 18 when I left, when I was leaving that -- sometime that
 19 afternoon to take the kids to meet my family -- they were
 20 going out of town -- as I was walking from my front door to
 21 my driveway, which is not very far.
 22 Q Mm-hmm.
 23 A And I don't have tinted windows. So as I'm
 24 walking towards my car, I could see it in the back seat, and
 25 that's when I was like, "What is that?"

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1 Q Right.
2 A So that's the first -- first time I saw it.
3 Q So where were your kids -- where were they going,
4 out of town?
5 A They were going to Daytona.
6 Q Okay. And they were taking the day off from
7 school?
8 A Yeah.
9 Q And I guess Friday too?
10 A Yeah.
11 Q Okay.
12 A And I don't remember on that time if they already
13 had a day off or I think they were just going with my --
14 they were going with my parents and my younger sister. So I
15 don't remember the specifics.
16 Q So you -- so you --
17 A Yeah.
18 Q -- needed to drive them to your parents' house.
19 Is that what you did the next day?
20 A To meet my sister, that they were going with, down
21 the road.
22 Q And how far away does she live from you,
23 approximately?
24 A She was at -- she was at her boyfriend's house.
25 And it was, I mean, a couple miles, maybe.

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1 Q Okay.
2 A I don't know the exact address.
3 Q All right. Okay So we're at the spot --
4 Sorry. I jumped ahead a little bit there.
5 So Phil opens the passenger door for you. You
6 don't remember the briefcase, oblivious or whatever You
7 saw it the next day.
8 Okay. So now we're back to Malio's that evening.
9 So you get in the passenger side, he gets in the
10 driver's side?
11 A Mm-hmm.
12 Q Then what happened after that?
13 A We pull out of Malio's, and then he turns left
14 and --
15 Q Onto -- what is that street?
16 A Ashley.
17 Q Ashley?
18 Yeah. Okay.
19 A Mm-hmm.
20 And then we were in, like, the middle lane, not
21 the far left lane or the right. We were, like, in the
22 middle -- the middle lane. And we went through, like, one
23 light --
24 Q Mm-hmm.
25 A -- and then he was like, "Oh, that's where I need

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1 to turn." 'Cause I remember him, like, moving his hand
2 towards me, like, "That's where I need to turn." And he
3 just swerved over two lanes to the far right lane and
4 turned.
5 And I remember seeing the lights or something of
6 another car, and looking back and saying, you know, "Be
7 careful." Like, "You just cut someone off."
8 And we turned. And then almost immediately after
9 we turned, he was like, "This isn't good. This is bad."
10 And I'm like, "What? What are you talking about?"
11 And I saw him looking at the rear view mirror, so
12 I looked back behind, you know, behind me, and saw that --
13 the cop car behind us.
14 Q Right.
15 A So at that point, he drove up a little bit and
16 stopped the car.
17 And then when he stopped the car, he started to,
18 like, get out of the car. And I'm like, "You shouldn't get
19 out of the car." Like, "You don't get out of the car. You
20 wait for them to come up."
21 And he's, like, "Let me take care of this. I'll
22 handle this."
23 And I'm, like, "Whatever."
24 And then when he got out of the car, I could
25 hear -- the officer walked up, mirror, there, like they were

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1 still right by my car. And he said something, and like,
2 "Have you had anything to drink tonight," or something of
3 that matter. Like, I don't remember exactly what the words
4 were.
5 But I remember Phil saying, like, "No. Zero."
6 And I was just, like, "Okay. Well, whatever."
7 That's not true, but whatever."
8 I didn't say anything. I didn't talk --
9 Q Mm-hmm.
10 A -- until, you know, the officer approached me,
11 so --
12 And then after that, they walked further down to
13 the point where I couldn't see them. I just -- so I didn't
14 see anything else after that.
15 Q So when they walked down further --
16 Do you remember another cop car arriving or
17 another officer being involved or anything like that?
18 A I remember seeing another car --
19 Q Okay.
20 A -- but I don't -- I don't --
21 Q Did you ever see him again that night, Campbell?
22 A No.
23 Q Okay. So when he was arrested and stuff, you
24 never -- you couldn't see that.
25 A No.

1 Q And when another cop car drove up --
 2 Well, how --
 3 Okay. Let me ask you this: How was it that
 4 you -- did someone come up to your car, an officer or
 5 something, while you were in the car and Phil, Mr. Campbell,
 6 was out? I mean, tell me how -- how did that work?
 7 A Yeah. I mean, I don't remember everything, but I
 8 remember, after all that, then just when the officer, like,
 9 asked me or said, basically, "You're drunk and your license
 10 is suspended. This car isn't registered to you. If you --
 11 is there anyone that you can call that's sober that can come
 12 and take your car, or I'm impounding it."
 13 Q Okay.
 14 A Something of that matter. I don't remember
 15 exactly the words.
 16 Q Now, do you remember who that officer was?
 17 A I had never seen him before.
 18 Q I understand. But do you now know --
 19 A Now I know.
 20 Q -- it was Sergeant Fernandez?
 21 I ask that because I don't know if you saw him at
 22 that hearing or not. I know he testified, but I don't know
 23 if you were in the courtroom.
 24 A I wasn't in the courtroom.
 25 Q So you would have picked up what he looked like or

1 who he was from media reports or something like that
 2 afterwards.
 3 A He -- you mean --
 4 I now know who that's who it was.
 5 Q Yes. I understand that.
 6 A But I don't --
 7 Q I understand that. And I'm sorry.
 8 My question, I guess, would be simply, how did you
 9 know that it was Sergeant Fernandez now?
 10 A Only because of that day in court.
 11 Q Okay. So you saw him at court. Maybe not saw him
 12 testify, but you saw him in the courtroom or whatever.
 13 A Right. Like --
 14 Q You saw him --
 15 A The waiting area right out here, that whole area.
 16 Q Okay. All right. And when you saw him, you
 17 recognized him.
 18 A Yeah.
 19 Q Okay. All right. So what did you do in response
 20 to him telling you that stuff?
 21 A I tried -- I was trying to find a ride, so I
 22 called a friend of mine that lived in downtown.
 23 Q Who's that?
 24 A A friend, Anthony. He works at one of the
 25 restaurants down here.

1 Q Do you know his last name offhand?
 2 A I don't.
 3 Q Okay. What restaurant does he work at?
 4 A Urban Cantina.
 5 Q Okay. Go ahead.
 6 A And so I called him to see if he was maybe at
 7 work. Or I know he lives in downtown, so I was trying to
 8 see if he was around. And he didn't answer.
 9 So then I called Brian Motroni. And I knew he
 10 lived nearby downtown at some point. So I called him, and
 11 he answered, and I told him, you know, I'd been stopped and
 12 I need a ride, or I need, you know -- is he sober? Has he
 13 been drinking? And he said no.
 14 I said, "Can you please come pick me up and take
 15 my car?"
 16 And he said, "Yeah. I'll -- you know, I'll be
 17 right there."
 18 Q Okay.
 19 A So --
 20 Q And did he show up with somebody?
 21 A I don't know. I mean -- actually, I think --
 22 Well, after -- after talking, it was -- I guess he
 23 had his girlfriend with him. And so she took his car so
 24 that he could drive my car.
 25 Q That's what I was going to say. So you wound up

1 driving in your own car --
 2 A Yeah.
 3 Q -- as a passenger, with him driving.
 4 A Exactly.
 5 Q He drove you home?
 6 A He drove me home. And he called a cab, like a
 7 taxi, to come pick him up from my house to take him home.
 8 Q All right.
 9 A So that no one would be left without a car.
 10 Q Okay. Let's take five minutes or something. You
 11 want to get some water, have a bathroom break or something
 12 like that?
 13 A I'm fine.
 14 Q Well, we've been going at it for a while. I want
 15 to take just five minutes, if you want to talk to
 16 Mr. Cannella just a few minutes.
 17 (A recess was taken.)
 18 BY MR. LOUGHERY:
 19 Q I meant to ask you earlier -- and I apologize for
 20 this -- just on some of the people.
 21 You mentioned Brian Motroni a minute ago. He's a
 22 lawyer at Adams & Diaco, is that right?
 23 A Yes.
 24 Q And who does he work with, or what does he do, or
 25 can you give me some explanation on that?

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1 A He's just one of the attorneys
2 Q Okay. Is there any -- sometimes there's senior
3 attorneys and they have a junior -- for lack of a better
4 word --
5 A He's an associate. He's not a partner.
6 Q Okay. And does he particularly work with a
7 particular partner?
8 A He works with all of them. I don't know. He
9 works with all of them.
10 Q Okay. Was he in the MJ-Bubba trial? Was he one
11 of the lawyers --
12 A Yes.
13 Q -- working that?
14 Okay. Like being -- sitting at the desk, all that
15 kind of -- in court, right?
16 A Right.
17 Q And you said that the reason you called him was he
18 was somebody -- you needed somebody to pick you up, and he
19 lived downtown or something like that?
20 A Yeah. I knew he lived close to downtown
21 somewhere. I mean, Brian -- I've been with the firm for
22 five years, and Brian and I are, you know, friends. You
23 know, we've hung out. We've gone out. So you know, he's
24 someone that I could trust. I knew he's responsible and,
25 you know, I felt safe. I mean --

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1 Q Sure.
2 Okay. Stephen Diaco. All right. He -- we talked
3 about him earlier. But he's one of the partners, right?
4 A Yes.
5 Q Okay. You -- do you work for him at all? I know
6 you said you primarily work for Rob Adams. And I'm sure,
7 being an employee for Adams & Diaco, you know, they could
8 kind of do whatever, but is there anything that you do on a
9 daily basis with Mr. Diaco, workwise?
10 A No. I mean -- no.
11 Q Okay.
12 A Not really, no. I mean, if I need to help --
13 Q Sure.
14 A -- we all help each other.
15 Q Right.
16 And Jay Diaco -- and again, obviously, he's the
17 brother of Stephen Diaco. Is he younger than him?
18 A I don't know.
19 Q All right. Do you ever do anything with Jay
20 Diaco?
21 A I have worked for Jay Diaco in the past, like I
22 said.
23 Q Okay. I forgot. I'm sorry.
24 At this time back in January --
25 A I was not.

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1 Q Okay. And again, I know you said before, but just
2 so I kind of get an idea, so is it fair to say that you
3 exclusively do work for Rob Adams unless something comes up
4 where you're needed to do work with somebody else or --
5 A Yes.
6 Q -- fill in or something like that?
7 A Yes.
8 Q Okay.
9 A Where did we leave off? I'm sorry.
10 Q Where we left off before?
11 A Yeah.
12 Q We left off that Motroni just picked you up and
13 had taken you home --
14 A Okay.
15 Q -- okay?
16 You hadn't -- and you didn't see Campbell again --
17 A Right.
18 Q -- after he got out of the car, and the cop
19 wouldn't let you drive and all that kind of stuff.
20 A About the DUI stuff.
21 Q Yes. Exactly.
22 The -- Adam Filthaut. Am I pronouncing that
23 correctly?
24 A Filthaut.
25 Q And what is he? Is he a partner or is he an

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1 associate or what?
2 A He's a partner.
3 Q Do you ever do any work for him?
4 A Helping. I mean, like before, but --
5 Q Okay.
6 A -- not particularly.
7 Q Okay. I want to talk about -- we touched on it a
8 little bit before. But you had -- after you had seen Phil
9 Campbell in the bar, and gone to the Fly Bar, and had some
10 communications with Rob Adams, and you went back to Malio's
11 bar.
12 All right. During the time frame you were at
13 Malio's that second time, did you communicate with anybody
14 from Adams & Diaco about what was going on with
15 Mr. Campbell?
16 A I mean, if there's records to show I did? Do you
17 have any or no? I don't know.
18 Q I'm not going to play that game. Come on.
19 A No. I'm not -- no. I haven't looked at my own
20 records --
21 Q You don't have to --
22 I'm --
23 A -- so.
24 Q -- asking you whether or not --
25 A I'm not playing a game here.

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1 O Okay.
2 A This is very serious.
3 Q I'll say.
4 A But you know, I just feel like when I'm talking to
5 you about Phil and how many drinks he has, you're yawning,
6 and you again sit back up to, now, just going into, you
7 know --
8 O Okay.
9 A -- my firm. And so I really am just trying to
10 focus on --
11 Q Okay.
12 A -- what's going on.
13 Q Okay.
14 A I don't recall, like I said before, any specific
15 communications.
16 O Okay.
17 A So if I had, I'm sure, you know, if there was text
18 messages, then there's text messages. I don't remember
19 specifically.
20 O Okay. Well, let me ask you this: I'm not asking
21 you specifically.
22 Do you recall that you were either texting or
23 calling Mr. Adams, Mr. Diaco, Mr. Filthaut, during the time
24 frame that you were at Mallo's with Phil Campbell?
25 A I don't remember specifically who or when, but I'm

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1 sure there was.
2 Q Okay.
3 A But I don't know specifics.
4 Q Okay. And would those be in relation to what
5 Mr. Campbell was doing?
6 A I don't know. I couldn't say for sure.
7 Q Were you aware or did you know that someone was
8 communicating with the Tampa Police Department during the
9 time you were in Mallo's with Mr. Campbell?
10 A I don't remember. I don't recall. I don't know
11 if I was informed of that if I wasn't informed that. I
12 don't remember. I don't remember the context of the -- of
13 any messages so I don't know.
14 O And is that because you just have no memory
15 because of your intoxication?
16 A Yeah. I guess so, yeah.
17 Q Well, a moment ago you easily remembered that
18 Mr. Campbell, after being pulled over, told the cop that he
19 had zero to drink, which is a pretty specific memory.
20 A Well, I said "No. None," or "zero." Like, I
21 remember him saying that because --
22 Q Okay.
23 A -- there was those little points of memory.
24 But in general specific, I mean, I don't know if
25 he said "zero. Zero." Like I don't -- but he said "none."

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1 And that's pointed out in my head because I'm like -- and it
2 was shocking that he got out of the car and I told him not
3 to. And so all of this happened when I could, like -- I'm
4 paying attention at that point at what's going on around me.
5 Q Well --
6 A When I'm not focused on specifics like that, no.
7 I wasn't, like, paying attention to messages or what they
8 were saying or what I was saying. So no, I don't remember
9 it all.
10 O So if you were texting something, actually using
11 your fingers and thumbs to write something that you
12 authored, you have no memory of any of that.
13 A There's -- I don't know if you've heard of drunk
14 dialing, drunk texting. You text something, and the next
15 day don't remember doing it. That happens all the time.
16 O Okay. Although that usually doesn't involve
17 sitting next to the attorney from the other --
18 A It's because --
19 Q -- trial --
20 A -- because you're drunk so you don't remember.
21 That's --
22 O Okay. So and I'm -- so is this right, then, that
23 you don't remember -- you remember offering to go back to
24 Mallo's; you did go back to Mallo's, but you don't remember
25 any conversations --

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1 A I don't.
2 O -- or communications you would have had with Ron
3 Adams, Stephen Diaco or Adam Filthaut during that time.
4 A No. I don't remember the specific conversations.
5 I don't. That was five months ago.
6 O And you don't even remember any general
7 conversations.
8 A I don't know what we would have talked about. I
9 don't remember.
10 Q Okay. Well, if I was to tell you that, at 6:51,
11 Adam Filthaut called you and you spoke for 95 seconds, or a
12 minute and a half, do you know why Mr. Filthaut would decide
13 to call you at 6:51, after hours, while you were at Mallo's,
14 and speak to you for a minute and a half?
15 A I don't know. I can't -- I don't remember. I
16 mean, I don't even know if I answered or if that was a call
17 or a missed call or --
18 Q No. This would be a voice call for 95 seconds.
19 A Okay. I have no clue.
20 O Okay.
21 A I don't know.
22 O And do you have any memory of talking to
23 Mr. Filthaut, either by phone or text message, that evening?
24 A I mean, I don't remember talking to him
25 specifically. I mean, I don't remember when I would have

1 At 11:30, you spoke to Vanessa for a minute.
2 Remember that?
3 A I've told you I don't remember, so --
4 Q I --
5 A -- do you have a few more pages? 'Cause I don't
6 remember.
7 Q That's exactly how I've got to do it.
8 A Okay.
9 Q I'm sorry, but that's how we've got to do it.
10 A My continuous answer is, I don't remember.
11 Q I understand what --
12 A I'm not going to remember something 10 seconds --
13 Q I --
14 A -- to the next 10 seconds --
15 Q You'd be surprised --
16 A -- to the next --
17 Q -- what people could remember if you --
18 As you said earlier, if you were able to look at
19 your records, maybe you could remember --
20 A No. I didn't --
21 Q -- some of these things.
22 A I didn't say I could remember.
23 Q Okay.
24 A I said, if you say it and it's there, then it's
25 there.

1 Q Okay.
2 A But I don't remember.
3 Q All right. Is it common for you to talk to
4 Mr. Adams at 4:30 in the morning?
5 A I don't -- absolutely not. So I don't know what
6 that -- that suggestion --
7 Q That's a text at 4:30 from you to him.
8 There's one from you to him at 4:40.
9 There's one from you to him at 5:09 in the
10 morning.
11 A I don't know how --
12 Q There's one from you to him at 5:40 --
13 I mean, I have been intoxicated before. I usually
14 go to sleep.
15 A Yeah. I know. I didn't, obviously. I didn't.
16 So I don't know what that's about at all.
17 Q Okay. Well, let me -- when's the next time you
18 remember something? The next morning?
19 A The next morning.
20 Q When you saw the briefcase at noon?
21 Anything between the stop and then? Do you
22 remember -- you don't remember any of these phone calls in
23 the middle of the night.
24 A No.
25 Q 4 and 5:00 in the morning?

1 A Not at all.
2 Q Okay.
3 A Not at all.
4 Q Or I don't know what time you would get up, but I
5 guess you were up the whole time, but --
6 A I was not up the whole time, so --
7 Q Well, so you're not --
8 A For you to suggest that I was up all night is
9 completely wrong.
10 Q Okay.
11 A I did pass out.
12 Q Okay.
13 A I don't remember.
14 Q Okay.
15 A I was not up all night.
16 Q But there was --
17 A Sorry.
18 Q There's a text at 4:30 from you, and at 4:40, and
19 at 5:09 and 5:42.
20 A I don't --
21 Q And 6:40.
22 A I have no clue.
23 Q And 6:48.
24 A None. None. And that's --
25 Q And 7:49 and 8:08 and 8:10 and 8:13.

1 Actually, those are phone calls to Vanessa at 8:00
2 in the morning.
3 You don't have any recollections of any of those,
4 or being even awake at that time.
5 A You know, the 6 and on, possibly, yeah. But
6 4:30 --
7 Q Okay.
8 A -- definitely not.
9 Q All right. Earlier you had said that you and
10 Mr. Diaco don't --
11 Do you have any --
12 If I have asked this, I apologize.
13 Do you recall having any communication with
14 Stephen Diaco that evening while you were in Mallo's or
15 shortly thereafter?
16 A No.
17 Q Okay. Here's Mr. Diaco texting you at 7:17 and
18 you texting him back at 7:19.
19 You don't have any memory of that, right?
20 A A.m. or p.m.?
21 Q Excuse me. In the --
22 A I don't remember.
23 Q In the evening. I'm sorry. That would have been
24 after you got back to Mallo's.
25 A No.

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1 Q Okay. Mr. Diaco texted you at 7:21.
 2 He texted you at 7:22.
 3 He texted you at 7:23.
 4 You texted him back at 7:50.
 5 This is Mr. Stephen Diaco.
 6 He texted you at 2 -- excuse me -- 8:01.
 7 He texted you at 9:13.
 8 You texted him at 9:28.
 9 He texted you at 9:35.
 10 A lot of these are, they're calling you.
 11 Let's see.
 12 Now, let me ask you, you're -- and you told me
 13 this earlier, or this morning, told me this earlier -- the
 14 FBI seized your phone this morning, is that right?
 15 A Mm-hmm.
 16 Q Is that the same phone that you had back then?
 17 A Same phone number. It's not the same phone.
 18 Q Okay. You changed your phones?
 19 A I got a new phone.
 20 Q Okay. And what did you do with your old phone?
 21 A Nothing.
 22 Q You still have it?
 23 A No. I mean, I don't think I do. It was still --
 24 it wasn't working and I upgraded to a newer one.
 25 Q Okay. Did you -- did you delete any of your text

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1 messages from this night?
 2 A Possibly. I mean, I don't know what I had in
 3 there or didn't have in there. I mean, I think I had,
 4 like -- I mean, I have an automatic where it said it deletes
 5 them. I don't save text messages forever. And I have so
 6 many that, you know, I don't --
 7 Q Okay. Is there a reason that you forgot your
 8 phone when you came to court two days later when you were
 9 asked to bring it?
 10 A I wasn't asked to bring it.
 11 Q Okay.
 12 A And I didn't forget it. I wasn't asked and I
 13 wasn't subpoenaed. I came voluntarily.
 14 Q Okay. I could be confused. I know Mr. Diaco --
 15 A Right.
 16 Q -- was asked to bring his phone, and he didn't.
 17 A Right.
 18 Q Did he ever tell you why he didn't?
 19 A No. That's none of my business.
 20 Q I'm not asking if it's your business or not. I
 21 just asked if he asked you. He could have said anything to
 22 you.
 23 Just so we don't have to do a bunch more of this,
 24 but is it fair for me just to say -- 'cause I don't want to
 25 hear at a later time you suddenly remember something or

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1 whatever -- but is it fair for me to say that, from what we
 2 just talked about, that you don't have any memory of any of
 3 these texts or communications with either Stephen Diaco,
 4 Adam Filthaut or Rob Adams during the time frame you were in
 5 Mallo's.
 6 A I don't remember.
 7 Q Okay.
 8 A I don't. And I don't want to guess or --
 9 Q I understand.
 10 Why don't -- if you'll just do me this favor,
 11 okay, why don't you just take a break for a few minutes,
 12 like about five minutes. And I might not have any more
 13 questions of you. I might have a few more, okay? Just give
 14 me a chance to kind of put my notes together. Is that fair?
 15 So what time do you have now on your watch?
 16 A 3:40.
 17 Q Okay. You want to be back at -- 10 minutes?
 18 A No. I mean, I just want --
 19 Q I understand.
 20 A I want to get home to my kids.
 21 Q Okay. Five minutes, we'll come back and get you,
 22 all right?
 23 Thank you.
 24 (A recess was taken.)
 25

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1 BY MR. LOUGHERY:
 2 Q All right. Just a couple more.
 3 Couple things I meant to ask you about.
 4 One is, when you were in Mallo's with
 5 Mr. Campbell, did you ever have any conversation with him
 6 where he told you that he -- I think you said he told you
 7 that he lived down the street or something like that, is
 8 that right?
 9 A That was after --
 10 Q That was after --
 11 A After we left. We were walking outside. That's
 12 when he said -- when we were having the disagreement about
 13 if I should drive or not or regarding my car.
 14 Q That's where that came up, about, "You can come
 15 over and sober up," and that kind of thing.
 16 A Right.
 17 Q All right. So did you know -- did he ever tell
 18 you that he had a car, did not have a car, and why he
 19 wouldn't offer to drive you someplace or -- let me just
 20 strike that.
 21 Did he ever mention to you that he would be
 22 walking home; that he didn't drive there?
 23 A When he was outside, he said --
 24 Q Right.
 25 A -- like, "Walk with me to my place. I live right

1 down the street," so --
 2 Q Okay. Well, you remember he said, "Walk with me."
 3 So you had the impression at that time he wasn't going to be
 4 driving home. You follow what I'm saying?
 5 A If he says, "Walk. I live down the street," I
 6 don't --
 7 Q It's a minor point. I'm just trying --
 8 Okay. Look, I could -- I could say, "Let's walk
 9 to my place," but I could still have a car, but I'm choosing
 10 to walk instead of drive, okay?
 11 A Well, maybe he thought he was drunk and he
 12 shouldn't be driving.
 13 Q Okay. That's -- my question is, did you know that
 14 he did or did not have a car there --
 15 A No.
 16 Q -- or are you assuming he didn't because he said
 17 he was going to walk?
 18 A I'm not assuming anything.
 19 Q Okay. All right.
 20 A I'm not assuming anything.
 21 Q Okay. Mr. Motroni. What kind of car was it that
 22 he was driving, do you remember?
 23 A No.
 24 Q Not at all? I mean, remember a color? Was it an
 25 SUV? A compact? A station wagon? A pickup truck?

1 Anything like that?
 2 A (Shakes head.)
 3 Q Because you stayed in your car, right?
 4 A (Nods head.)
 5 Q Adam Filthaut. Did he previously represent you in
 6 your reckless driving?
 7 A Yes.
 8 MR. LOUGHERY: I don't have any other
 9 questions.
 10 Okay. Thank you Melissa. Sorry it took so
 11 long.
 12 THE STATEMENT WAS CONCLUDED AT 3:42 P.M.
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CERTIFICATE OF OATH

1
 2
 3 STATE OF FLORIDA)
 4 COUNTY OF PINELLAS)
 5 I, the undersigned authority, certify that MELISSA PERSONIUS
 6 personally appeared before me and was duly sworn.
 7 WITNESS my hand and official seal this 29th day of May,
 8 2013.

DONNA M. KANABAY, RMR, CRR, FPR.

REPORTER'S CERTIFICATE

1
 2
 3
 4 STATE OF FLORIDA)
 5 COUNTY OF PINELLAS)
 6 I, DONNA M. KANABAY, Registered Professional Reporter,
 7 certify that I was authorized to and did stenographically
 8 report the statement of MELISSA PERSONIUS and that the
 9 transcript is a true and complete record of my stenographic
 10 notes.
 11 I further certify that I am not a relative, employee,
 12 attorney or counsel of any of the parties, nor am I a
 13 relative or employee of any of the parties' attorney or
 14 counsel connected with the action, nor am I financially
 15 interested in the action.
 16 DATED this 29th day of May, 2013.

DONNA M. KANABAY, RMR, CRR, FPR.
Notary Public
State of Florida at large.